



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

CERTIFIED MAIL [Number from Certified Mail Receipt]
RETURN RECEIPT REQUESTED

(b) (6)
Property Owner
(b) (6)
Minneapolis, Minnesota 55410

Re: Request for Information Regarding an Alleged Lead-Based Paint Renovation at
(b) (6), Minneapolis, Minnesota 55410

Dear (b) (6):

The U.S. Environmental Protection Agency, Region 5 (EPA), is contacting you regarding an alleged lead-based paint renovation on or around December 2020 at a residential property you own at (b) (6), Minneapolis, Minnesota 55410. We request that you submit specific information regarding the alleged lead-based paint renovation that may be subjected to the Lead Renovation, Repair and Painting Program Rule (RRP Rule), codified at 40 Code of Federal Regulation (C.F.R.) Part 745, Subpart E.

The purpose of the RRP Rule is to ensure that: owners and occupants of housing built prior to 1978 (target housing) and child-occupied facilities receive information on lead-based paint hazards before any renovation for compensation begins; individuals performing these renovations are properly trained; renovators and firms performing these renovations are certified; and work practices are followed to minimize lead exposure to the public and environment. EPA promulgated the RRP Rule under Sections 402, 406 and 407 of the Toxic Substances Control Act (TSCA), 15 United States Code (U.S.C.) Sections 2682, 2686 and 2687.

We also want to point out that the RRP Rule was written with an emphasis on reducing the exposure of lead-based paint hazards in target housing and child-occupied facilities being renovated, particularly of children under the age of six. The leading cause of childhood lead poisoning is household dust containing lead that is created during home renovations. Children that are lead poisoned suffer from intelligence deficiencies, learning disabilities, diminished motor skills, hearing loss, memory loss, brain damage, and headaches. Both adults and children can receive hazardous exposures by inhaling the dust or by ingesting lead-based paint dust during hand-to-mouth activities. Compliance with the RRP Rule ensures that the prevalence of childhood lead poisoning will be reduced significantly.

EPA is issuing this information request under 40 C.F.R. § 745.86(a) of the RRP Rule. Section 745.86(a) requires firms that perform renovations to retain and make available to EPA all records

necessary to demonstrate compliance for a period of three years following completion of the renovation. Enclosure A provides the instructions needed to answer this information request and specifies the information that you must submit. Enclosure B contains a declaration that you must complete and return with your response. Please send this information to us within 30 days of receipt of this request.

You may not withhold information because you claim it is confidential. However, you may assert a business confidentiality claim covering any part of the submitted information pursuant to the regulations at 40 C.F.R. Part 2, Subpart B. Unless such a confidentiality claim is asserted at the time the required information is submitted, EPA may make the information available to the public without further notice to you. Information subject to a business confidentiality claim may be made available to the public only to the extent set forth in the above-cited regulations. Any claim for confidentiality must conform to the requirements set forth in 40 C.F.R. § 2.203(b). For more information regarding the requirements for making a claim of confidentiality, see Enclosure C to this request.

Even though EPA may determine, under the criteria provided by 40 C.F.R. § 2.208, that certain information may not be entitled to business confidential treatment, EPA may nevertheless decide that disclosure of this information may constitute an invasion of privacy and, on that basis, may withhold it from disclosure to the general public. Such personal privacy information may include social security numbers, current addresses, or other personal information related to an individual. It is not necessary for a business confidentiality claim to be made for EPA to withhold personal privacy information.

If you are not asserting a claim of confidentiality, your response should be submitted to EPA electronically to Ms. Christina Saldivar at saldivar.christina@epa.gov and to r5lecab@epa.gov. All electronically submitted materials must be in final and searchable format, such as Portable Document Format (PDF) with Optical Character Recognition (OCR) applied. If electronic submittal is not possible, your response must be sent to the following mailing address:

Christina Saldivar (ECP-17J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604

If you are asserting a claim of business confidentiality, your response must be double wrapped with the interior envelope clearly marked “Confidential, Contains TSCA CBI” and the exterior envelope addressed and mailed to:

U.S. EPA
Attn: Eric Brewer / Lizabeth Gonzales
for Claudia Niess, DCO (ECP-17J)
1201 Constitution Avenue
EPA East Room 6428 (CBIC), 7407 Mail Code
Washington, DC 20004

EPA may use the information you provide in response to this request in an administrative, civil or criminal action. This information request is not subject to the requirements of the Paperwork Reduction Act, 44 U.S.C. § 3501, *et seq.*, because it seeks to collect information from a specific individual or entity as part of an administrative action or investigation. We have also enclosed an information sheet entitled “U.S. EPA Small Business Resources,” which you may find helpful if you are a small business.

Please be advised that the failure or refusal to comply with this information request is a violation of Sections 15 and 409 of TSCA, 15 U.S.C. §§ 2614 and 2689, and may subject you to an enforcement action under Section 16 of TSCA, 15 U.S.C. § 2615.

If you are unable to respond in a timely fashion because of impacts related to the COVID-19 pandemic, please submit a written extension request via email to Ms. Christina Saldivar, explaining the specific impacts on your ability to respond.

Should you have any questions, please contact Ms. Christina Saldivar at 312-886-0755 or by email at saldivar.christina@epa.gov. Thank you for your cooperation in this matter.

Sincerely,

Patrick Kuefler
Chief
Land and Chemical Enforcement and Compliance Assurance Branch

Enclosures

REQUEST FOR INFORMATION

I. INSTRUCTIONS

1. This information request covers all information, documents and/or records described below that are in your possession or control, or in the possession or control of your current or former employees, agents, contractors, accountants, or attorneys. If you choose to provide documents in an electronic format, all responsive documents must be provided in Portable Document Format (PDF) or similar format.
2. Precede each response with the number of the request to which it corresponds and provide a separate narrative response to each request and subpart of a request set forth below.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.

II. DEFINITIONS

The terms used in this information request have their ordinary meanings unless such terms are defined in Section 401 of TSCA and 40 C.F.R. Part 745, Subparts E, F, and L.

1. *Firm* means a company, partnership, corporation, sole proprietorship or individual doing business, association, or other business entity; a Federal, State, Tribal, or local government agency; or a nonprofit organization.
2. *Pamphlet* means the EPA pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools* developed under Section 406(a) of TSCA for use in complying with Section 406(b) of TSCA, or any State or Tribal pamphlet approved by EPA pursuant to 40 C.F.R. § 745.326 that is developed for the same purpose.
3. *Renovation* means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by 40 C.F.R. § 745.223. The term renovation includes but is not limited to: the removal, modification, or repair of painted surfaces or painted components (e.g., modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust)); the removal of building components (e.g., walls, ceilings, plumbing, windows); weatherization projects (e.g., cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planning thresholds to install weather stripping); and interim controls that disturb painted surfaces.

4. *Renovator* means an individual who either performs or directs workers who perform renovations. A certified renovator is a renovator who has successfully completed a renovator course accredited by EPA or an EPA-authorized State or Tribal program.
5. *Target housing* means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing) or any 0-bedroom dwelling, as defined in Section 401(17) of TSCA, 42 U.S.C. § 2681(17), and 40 C.F.R. § 745.103.

III. INFORMATION AND DOCUMENTS TO BE PROVIDED TO EPA

Based on information currently available to EPA, we understand that the residential property you own at (b) (6), Minneapolis, Minnesota 55410 (b) (6) underwent renovation activities during December 2020 that may have disturbed lead-based painted surfaces involving a second house addition and window replacement work. Please submit the following information and the requested documentation regarding the renovation activities performed at the residential property within 30 calendar days:

1. For the renovation activities involving the second story addition work, please answer the following:
 - a. Please state the start date of when the second story addition work occurred at (b) (6) and the end date of when the work ended, or if the work is ongoing.
 - b. Please identify the contractor company(ies) or person(s) involved in performing the second story addition work. Please state their names, phone numbers, mailing address, and email address.
 - c. For the contractor company(ies) or person(s) you identified in request 1b, please provide a copy of the contracted work agreements if they are available.
 - d. For the contractor company(ies) or person(s) you identified in request 1b, please state whether each contractor company or person were compensated for the second story addition work that was performed. Please provide a copy of the receipt if possible.
 - e. For the contractor company(ies) or person(s) you identified in request 1b, did the contractor company or person provide you with documentation showing that the contractor company was an EPA-certified renovation firm and that a certified renovator was assigned to the complete the work? If so, please provide a copy of the documentation you were provided.
 - f. For the contractor company(ies) or person(s) you identified in request 1b, were you provided an EPA pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools* prior to commencement of any work? If so, please state what date you receive the pamphlet and who provided it to you.

- g. For the contractor company(ies) or person(s) you identified in request 1b, did the contractor company or person performed a lead test kit to determine that the components affected by the window replacement work are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 mg/cm² or 0.5% by weight? If so, please provide a copy of the lead test kit results if possible.
2. For the renovation activities involving the window replacement work, please answer the following:
 - a. Please state the start date of when the window replacement work occurred at (b) (6) and the end date of when the work ended, or if the work is ongoing.
 - b. Please identify the contractor company(ies) or person(s) involved in performing the window replacement work. Please state their names, phone numbers, mailing address, and email address.
 - c. For the contractor company(ies) or person(s) you identified in request 2b, please provide a copy of the contracted work agreements if they are available.
 - d. For the contractor company(ies) or person(s) you identified in request 2b, please state whether each contractor company or person were compensated for the window replacement work that was performed. Please provide a copy of the receipt if possible.
 - e. For the contractor company(ies) or person(s) you identified in request 2b, did the contractor company or person provide you with documentation showing that the contractor company was an EPA-certified renovation firm and that a certified renovator was assigned to the complete the work? If so, please provide a copy of the documentation you were provided.
 - f. For the contractor company(ies) or person(s) you identified in request 2b, were you provided an EPA pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools* prior to commencement of any work? If so, please state what date you receive the pamphlet and who provided it to you.
 - g. For the contractor company(ies) or person(s) you identified in request 2b, did the contractor company or person performed a lead test kit to determine that the components affected by the window replacement work are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 mg/cm² or 0.5% by weight? If so, please provide a copy of the lead test kit results if possible.
 3. For any renovation activities that were not related to the second story addition work or window replacement work that occurred on or around December 2020 at (b) (6), please answer the following:
 - a. Please describe the work that was performed at (b) (6). For interior

renovations, please state whether the work disturbed more than 6 square feet of a painted surface. For exterior renovations, please state whether the work disturbed more than 20 square feet of a painted surface.

- b. Please state the start date of when the work occurred and the end date of when the work ended, or if the work is ongoing.
 - c. Please identify the contractor company(ies) or person(s) involved in performing the work described in request 3a. Please state their names, phone numbers, mailing address, and email address.
 - d. For the contractor company(ies) or person(s) you identified in request 3c, please provide a copy of the contracted work agreements if they are available.
 - e. For the contractor company(ies) or person(s) you identified in request 3c, please state whether each contractor company or person were compensated for the work that was performed. Please provide a copy of the receipt if possible.
 - f. For the contractor company(ies) or person(s) you identified in request 3c, did the contractor company or person provide you with documentation showing that the contractor company was an EPA-certified renovation firm and that a certified renovator was assigned to the complete the work? If so, please provide a copy of the documentation you were provided.
 - g. For the contractor company(ies) or person(s) you identified in request 3c, were you provided an EPA pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools* prior to commencement of any work? If so, please state what date you receive the pamphlet and who provided it to you.
 - h. For the contractor company(ies) or person(s) you identified in request 3c, did the contractor company or person performed a lead test kit to determine that the components affected by the work are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 mg/cm² or 0.5% by weight? If so, please provide a copy of the lead test kit results if possible.
4. Did you have any children living with you at the property when the second story addition and window replacement work was occurring? If so, please provide the ages of the children during the time work was being conducted at the property.
5. For any documentation you are unable to provide in the requests 1 to 4, above, please explain the reason why such documentation does not exist or is unavailable.

IN THE MATTER OF:

(b) (6)
Property Owner

(b) (6)
Minneapolis, Minnesota 55410

Declaration Responding to Information Request

I, the undersigned, state as follows:

1. I have made a diligent search and inquiry for all information and documents that are requested in the request for information to which this declaration responds. I have not found or been told about, and have no knowledge of, any information or documents requested by the request for information that I have not identified, copied, and submitted along with this declaration. I have not destroyed any requested documents or transferred any requested documents to any other person or party in the last three years.
2. Attached to this declaration are _____ pages of document photocopies. The attached pages are true, complete, and correct copies of documents that I presently have in my custody or control either personally, or as an agent, representative, or employee of a business entity in which I had or have a financial or ownership interest.
3. The information and documents were prepared and kept, or were received and kept, in the usual course of regularly conducted business.
4. All the responses to the inquiries contained in the request for information are true, complete, and correct.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on _____
Date

Signature: _____

Office or Title: _____

CONFIDENTIAL BUSINESS AND PERSONAL PRIVACY INFORMATION**I. ASSERTION REQUIREMENTS**

You may assert a business confidentiality claim covering any parts of the information requested, as provided in 40 C.F.R. § 2.203(b). However, firm certifications and renovator certifications are generally not entitled to confidential treatment under 40 C.F.R. Part 2. Additionally, health and safety data provided under 40 C.F.R. § 745.86 of the RRP Rule is not entitled to confidential treatment under 40 C.F.R. Part 2. “Health and safety data” means:

- (A) Any study of any effect of a chemical substance or mixture on health, on the environment, or on both, including the underlying data and epidemiological studies; studies of occupational exposure to a chemical substance or mixture; and toxicological, clinical, and ecological studies of a chemical substance or mixture;
- (B) Any test performed under TSCA, 15 U.S.C. § 2601 *et seq.*; and
- (C) Any data reported to, or otherwise obtained by, EPA from a study or test described in (A) or (B), above.

See 40 C.F.R. § 2.306(a)(3)(i)(A), (B) and (C).

Notwithstanding the definition above, no information shall be considered to be “health and safety data” if disclosure of the information would:

In the case of a chemical substance or mixture, disclose processes used in the manufacturing or processing the chemical substance or mixture; or

In the case of a mixture, disclose the portion of the mixture comprised by any of the chemical substances in the mixture.

See 40 C.F.R. § 2.302(a)(2)(ii)(A) and (B).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 14 of TSCA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request for Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

II. DETERMINING WHETHER THE INFORMATION IS ENTITLED TO CONFIDENTIAL TREATMENT

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent; and that disclosure of the information is likely to cause substantial harm to your business' competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the public without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event and the expected date of occurrence.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between

disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, **you bear the burden of substantiating your confidentiality claim.** Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.